

### **REMARKS**

This is a full and timely response to the non-final Office Action of May 19, 2004. By the present Amendment, the claims have been amended to more particularly and distinctly point out the novelty and non-obviousness of the present invention. Reconsideration and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Amendment, claims 1-7 remain pending in this application, and new claims 31 and 32 have been added. Claims 8 through 21 and 29 were withdrawn without prejudice as the result of an earlier restriction requirement. Claims 1 and 5 have been directly amended herein. It is believed that the foregoing amendments and additions add no new matter to the present application.

As described in the specification for the present application, one aspect of the present invention provides a system and method for enabling users of a wireless communication device to establish purchase notification criteria which will enable them to be notified via a plurality of formats of potential purchasing opportunities which match their criteria. The condition for notification received from the wireless device need not be price information (e.g., asking the system to notify the user when a particular product is found at a particular price), and the present invention can further determine the location of the device in order to properly select matching purchasing opportunities. The message delivered to the wireless device can comprise information matching the purchase notification criteria condition and location as selected from currently available purchase opportunity information, and can be formatted depending on how

the user desires to be notified (e.g., spoken, SMS, e-mail, WAP, etc.). Further, the user can specify a first notification format if a first set of conditions are met, and a second notification format if a second set of conditions are met. In this way, the present invention facilitates customization and relevance of user communications and ultimately facilitates user participation in commercial transactions.

Claim 1 has been amended herein to recite the method of the present invention including the steps of receiving first spoken input from a wireless communication device in a first communication session, wherein the input includes purchase notification criteria indicating at least one condition upon which the wireless communication device is to receive a purchase opportunity notification, and wherein the condition is unrelated to price; determining a location of the wireless communication device using a location services function; retrieving currently available purchase opportunity information associated with the first spoken input, and selecting match information from the retrieved information which is based at least in part on the purchase notification criteria condition and the determined location; delivering in a second communication session, to the wireless communication device, a non-verbal response to the first spoken input, the non-verbal response based on the match information; and receiving second spoken input from the device for accessing a voice wallet, wherein the voice wallet authorizes a purchase transaction upon the second spoken input being authenticated by the voice wallet.

Claim 5 has been amended to recite that the non-verbal response includes the match information. Claim 31 has been added to recite the step whereby a first notification format is specified for when a first set of conditions are met, and a second notification format is specified

for when a second set of conditions are met. Claim 32 has been added to recite the system of the present invention as claimed therein.

### **Response to §103 rejections**

The Examiner has rejected claims 1-2 under 35 USC §103(a) as being unpatentable over Julia et al (Julia) in view of Zirngibl et al (Zirngibl). Claims 5-7 have been rejected under 35 USC §103(a) as being unpatentable over Julia in view of Zirngibl in further view of Salo et al (Salo). Claim 3 has been rejected under 35 USC §103(a) as being unpatentable over Julia in view of Zirngibl in further view of Lohtia et al (Lohtia). Claim 4 has been rejected under 35 USC §103(a) as being unpatentable over Julia in view of Zirngibl in further view of McAllister et al (McAllister). On the basis of the foregoing amendments and the remarks that follow, Applicant submits that these rejections have been traversed.

For a claim to be properly rejected under 35 USC §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In Re Dow Chemical*, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 USPQ2d 871, 881 (CCPA 1981) (emphasis added). Applicant submits that the combined teachings of the references of record do not disclose or suggest all features of the claimed invention as presently claimed in amended independent claim 1 and new independent claim 32. As claims 2 through 7 and 31 are dependent upon claim 1, Applicant submits that these claims are also allowable over the prior art of record.

The Julia reference cited by the Examiner is concerned with providing a voice-driven front end to enable users to navigate through an existing non-voice data navigation system. The Julia reference is not concerned with user transactions, much less facilitating user transactions by *receiving first spoken input from a wireless communication device in a first communication session, wherein the input includes purchase notification criteria indicating at least one condition upon which the wireless communication device is to receive a purchase opportunity notification, determining a location of the wireless communication device using a location services function, retrieving currently available purchase opportunity information associated with the first spoken input, and selecting match information from the retrieved information which is based at least in part on the purchase notification criteria condition and the determined location* as claimed in amended claim 1. Such steps contradict the emphasis of the Julia patent on allowing users to easily navigate through queries in a single interactive session via spoken input in an online scripted interface. Further, the Julia reference does not contemplate receiving a second spoken input for accessing a voice wallet as claimed in amended claim 1. Indeed, the Examiner acknowledged this on page 3 of the Office Action of May 19, 2004.

The Zirngibl reference cited by the Examiner describes a system for scheduling a voice service and delivering an IVB, which is defined in column 5 as a voice-enabled interaction with a user and which executes dialogues by reading messages to the user and eliciting input from the user. The dialogue and interaction as described and exemplified in Zirngibl runs counter to the operation of the present invention. Specifically, Zirngibl does not teach or suggest, as claimed in amended claim 1, receiving first spoken input from a wireless communication device *in a first communication session*, wherein the input includes *purchase notification criteria indicating at*

*least one non-price related condition upon which the wireless communication device is to receive a purchase opportunity notification.* Further, there is no teaching or suggestion in Zirngibl of *determining a location of the wireless communication device using a location services function* as claimed in amended claim 1. Further, Zirngibl does not teach or suggest retrieving *currently available purchase opportunity information* associated with the first spoken input, and *selecting match information from the retrieved information based at least in part on the purchase notification criteria condition and the determined location*, and delivering to the wireless communication device a non-verbal response to the first spoken input based on the match information *in a second communication session*, as claimed in amended claim 1.

Because there is no teaching or suggestion in the Julia, Zirngibl or other references, taken either singly or in combination, of the invention as claimed in the presently presented claims, Applicant respectfully submits that the Examiner's previous rejections have been traversed.

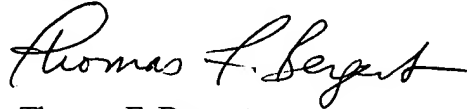
### **CONCLUSION**

Based on the foregoing, Applicant submits that the rejection of the presently pending claims based on the cited references should be withdrawn. Applicant thus believes that all of the claims currently pending in the present application are now in condition for allowance, and an early notice to that effect is earnestly solicited.

Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the present application, the Examiner is invited to contact Applicant's undersigned representative at the address and phone number provided below. A three-month

extension of time is being filed simultaneously with this Amendment. The Commissioner is hereby authorized to charge Deposit Account No. 50-0766 in payment of the required fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas F. Bergert". The signature is fluid and cursive, with the first name "Thomas" being more prominent.

Thomas F. Bergert  
Counsel for Applicant  
Reg. No. 38,076

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Attached: Petition for extension of time for 3 months  
Request for Continued Examination

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